

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA**

**v.**

**CASE NO. 3:21MJ-138**

**DIANA TOEBBE,**

**Defendant.**

**MOTION TO WAIVE PRO HAC VICE ADMISSION FEES  
AND GRANT PRO HAC VICE APPLICATION**

COMES NOW undersigned local counsel, Barry P. Beck, moving this Court to waive the pro hac vice application fees for lead counsel in the above-captioned action:

Edward B. MacMahon, Jr.  
107 E. Washington Street  
PO Box 25  
Middleburg, VA 20118  
(540) 687-3902

In support of the instant motion, undersigned counsel relies upon the following grounds:

1. Edward B. MacMahon, Jr., Esq. was previously appointed by the Court to represent the defendant in the above-captioned case pursuant to the Criminal Justice Act, 18 U.S.C. 3005. [Doc 25].

2. Pending before this Court is the pro hac vice admission application of Mr. MacMahon. Undersigned counsel will act as local counsel on his behalf as is required by our Local Rules.

3. LR Gen P. 83.02(c)(4) authorizes the waiver of pro hac vice admission fees for those employed by the United States Department of Justice or any other Federal department or agency. An attorney appointed pursuant to the Criminal Justice Act is compensated by the Administrative Office of U.S. Courts, Office of Defender Services. As such, this meets the “agency” requirement of our Local Rule and waiver of fees is appropriate.

WHEREFORE, based on the foregoing, the Court is respectfully requested to waive the pro hac vice admission fees for Edward B. MacMahon, Esq. and grant his admission in this matter.

**DEFENDANT**  
**BY COUNSEL**

/s/ Barry P. Beck  
Barry P. Beck  
Power, Beck & Matzureff  
308 West Burke Street  
Martinsburg, WV 25401  
(304) 264-8870

**CERTIFICATE OF SERVICE**

I, Barry P. Beck, counsel for Defendant, hereby certify that on the 13th day of October, 2021, the foregoing **MOTION TO WAIVE PRO HAC VICE ADMISSION FEES AND GRANT PRO HAC VICE APPLICATION** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Barry P. Beck  
Barry P. Beck